

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

JACKSON WELLS, as Personal  
Representative for the Estate of Thomas E.  
WELLS, deceased; and JUDITH  
HEMPHILL, as Personal Representative for  
the Estate of JOYCE H. WALDER,  
deceased,

Plaintiffs,

v.

BNSF RAILWAY COMPANY,

Defendant.

**CV-21-97-GF-BMM**

**ORDER**

Defendant BNSF Railway Company (“BNSF”) filed a motion for a directed verdict concerning Plaintiffs’ general negligence claim on April 15, 2024. (Doc. 353.) The Court denied BNSF’s motion on the record on April 16, 2024. (Doc. 367 at 17.) The Court stated in pertinent part:

I’m denying BNSF’s motion for directed verdict on negligence. I think the evidence – plaintiffs have made a prim facie case that BNSF failed to exercise reasonable care in its handling of asbestos in or around the railyard and that asbestos, blowing it around the railyard, caused harm to the plaintiffs and the damages resulted from that. So deny that motion.

(*Id.*) The Court took under advisement BNSF's two additional motions for a directed verdict (Doc. 355); (Doc. 358), which the Court subsequently denied. (Doc. 370); (Doc. 373).

Accordingly, **IT IS ORDERED:**

1. BNSF's motion for a direct verdict on Plaintiffs' general negligence claim (Doc. 353) is **DENIED** based on the Court's discussion on the record on April 16, 2024.

DATED this 26th day of June 2024.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court